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**Examiner:** Nguyen, Tuan Duc **Group:** 2646

**Date:** March 6, 2006

**Client Code:** 2506

**Facsimile No.:** 571-273-8300

**From:** Kevin T. Shaughnessy, Esq.

**Subject:** Paper: Transmittal of Terminal Disclaimers and 2 Terminal Disclaimers

**Docket No.:** 2506.1013-001

**Applicants:** Derek D. Mahoney, Walter P. Sjursen, Wayne J. Staab  
and Marvin Leedom

**Serial No.:** 09/524,040

**Filing Date:** March 13, 2000

Number of pages including this cover sheet: 4

Please confirm receipt of facsimile: Yes XXX No    

### Comments:

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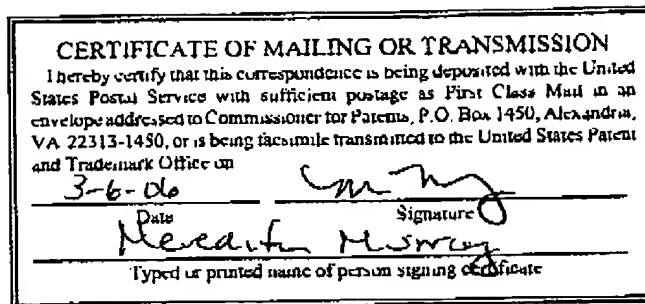
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Re: Applicants: Derek D. Mahoney, Walter P. Sjursen, Wayne J. Staab  
and Marvin Leedom

Application No.: 09/524,040  
Filed: March 13, 2000  
Confirmation No.: 6480  
Title: ONE-SIZE-FITS-ALL UNI-EAR HEARING  
INSTRUMENT  
Docket No.: 2506.1013-001

Sir:

On March 6, 2006, the undersigned attorney spoke with Examiner Tuan Duc Nguyen, who indicated that the above-identified patent application would be allowable if Terminal Disclaimers were filed for U.S. Patent Nos. 5,881,159 (Aceti, *et al.*) and 6,473,511 (Aceti, *et al.*). Attached please find two Terminal Disclaimers, for filing in the above-referenced application.

Please charge the statutory fee in the amount of \$260, for filing the two disclaimers, to Deposit Account No. 08-0380. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380.

Respectfully submitted,  
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Kevin T. Shaughnessy  
Kevin T. Shaughnessy  
Registration No. 51,014  
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DOCKET NO. 2506.1013-001

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

In re Application of: Derek D. Mahoney, Walter P. Sjursen, Wayne J. Staab  
and Marvin Leedom

Application No.: 09/524,040

Filed: March 13, 2000

Confirmation No.: 6480

For: ONE-SIZE-FITS-ALL UNI-EAR HEARING INSTRUMENT

The owner, Sarnoff Corporation of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,473,511. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

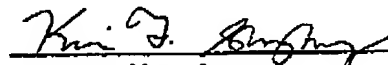
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is an attorney or agent of record.

3/6/06

Date



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